

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN UNIVERSITY OF ANTIGUA
COLLEGE OF MEDICINE,

Plaintiff,

vs.

STEVEN WOODWARD,

Defendant.

Case No. 10-10978

Patrick J. Duggan
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

ORDER DENYING DEFENDANT'S MOTION TO COMPEL (Dkt. 100)

Defendant filed a motion to compel discovery from a third party, the National Board of Medical Examiners (NBME), located in Philadelphia, Pennsylvania. (Dkt. 100). Apparently, defendant served a subpoena on the NBME and they declined to respond because the subpoena did not comply with Rule 45. (Dkt. 100, p. 8).

The subpoena tendered to NBME appears to have been issued by this Court. However, a subpoena issued by this Court may only be served in this state or within 100 miles of the place specified for production. Fed.R.Civ.P. 45(b)(2). Defendant's subpoena, issued by this District, was served on NBME in Philadelphia, but the location of the place of production is not entirely clear.

Presumably, however, defendant was asking for the documents to be produced to him in Michigan, which is not within 100 miles of Philadelphia. Thus, the subpoena was required to have been issued by the District in which NBME is located. Based on the foregoing, the Court finds defendant's subpoena to NBME to be defective and improper and **DENIES** defendant's motion to compel.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(b)(2) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made.

Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objection must be served on this Magistrate.

Date: March 17, 2011

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on March 17, 2011, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: Eric A. Buikema, and I certify that I have either hand delivered/ mailed by United States Postal Service the paper to the following non-ECF participant(s): Steven Woodward, 7211 Brittwood Lane, Flint, MI 48507.

s/Tammy Hallwood
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